



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0843/PV

FFK:kjf:ph

In 1-22-13

p2
rma

DOA:.....Iwata, BB0310 - Work requirements for FoodShare

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

pwf

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS administers the federal Supplemental Nutrition Assistance Program (SNAP), formerly known as the food stamp program and currently known in Wisconsin as FoodShare, under which eligible households receive benefits to purchase food at retail food stores. Under current law, DHS may require a recipient of SNAP benefits who is able and who is 18 to 60 years of age to participate in the FoodShare employment and training program (FSET) to be eligible for SNAP benefits, with exceptions for an individual who is participating in a Wisconsin Works employment position, an individual who is the caretaker of a child under the age of 12 weeks, and an individual who is enrolled at least half time in school or in a training program or an institution of higher education. Currently, DHS may contract with a county, multicounty consortium, or tribal governing body to administer FSET. Under this bill, beginning July 1, 2014, DHS may contract with a local workforce development board, a tribal governing body, or other agency to administer FSET.

This bill also authorizes DHS to implement a federal policy under which DHS may limit the amount of SNAP benefits that an able-bodied adult may receive to three months during a three-year period if the adult does not meet certain work requirements. An able-bodied adult, as defined by the bill, is an individual who is

18 to 49 years old, is fit for employment, is not a parent of a household member who is younger than 18, is not pregnant, and is not otherwise exempt from specific work requirements under federal law. DHS may implement this policy in addition to the current employment and training program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.78 (1) (b) of the statutes is amended to read:

2 49.78 (1) (b) "Income maintenance program" means the Medical Assistance
3 program under subch. IV of ch. 49, the Badger Care health care program under s.
4 49.665, the food stamp program under 7 USC 2011 to 2036 except for the employment
5 and training program described in s. 49.79 (9), or the cemetery, funeral, and burial
6 expenses program under s. 49.785.

 ****NOTE: Your instructions indicate that multicounty consortia will continue to
make eligibility decisions and referrals for FSET. Is this definition change consistent with
your intent?

7 **SECTION 2.** 49.79 (9) (a) 1. of the statutes is amended to read:

8 49.79 (9) (a) 1. The department shall administer an employment and training
9 program for recipients under the food stamp program and may contract with ~~county~~
10 ~~departments under ss. 46.215, 46.22, and 46.23, multicounty consortia, and with~~
11 local workforce development boards established under 29 USC 2832, tribal
12 governing bodies, or other agencies to carry out the administrative functions. ~~The~~
13 ~~department may contract, or a county department, multicounty consortium, or A~~
14 local workforce development board, tribal governing body, or other agency may
15 subcontract, with a Wisconsin Works agency or another provider to administer the
16 employment and training program under this subsection. Except as provided in
17 subds. 2. and 3., the department may require able individuals who are 18 to 60 years

1 of age who are not participants in a Wisconsin Works employment position to
2 participate in the employment and training program under this subsection.

****NOTE: Please confirm that these changes are consistent with your intent, specifically the authority of the local workforce development board and tribal governing body to subcontract with other entities.

****NOTE: Your instructions explain that you are intending to prevent multicounty consortia from qualifying as a contractor. Are there specific other agencies that you are intending to capture with the phrase “or other agency”? It may be useful to narrow the phrase “or other agency” because, as drafted, the phrase is ambiguous and could be interpreted to include a multicounty consortia. Additionally, there are many other defined terms in ch. 49 that could be used to define “or other agency,” including child support agency, Wisconsin Works agency, relief agency, and local agency. Would this be consistent with your intent?

3 **SECTION 3.** 49.79 (9) (b) (intro.) of the statutes is amended to read:

4 49.79 (9) (b) (intro.) An Except as provided in par. (c), an individual who fails
5 to comply with the work requirements under par. (a) without good cause is ineligible
6 to participate in the food stamp program as follows:

7 **SECTION 4.** 49.79 (9) (c) of the statutes is created to read:

8 49.79 (9) (c) If the department implements a policy under sub. (10), par. (b) does
9 not apply to an individual who is required to fulfill the work requirement under sub.
10 (10) (b).

11 **SECTION 5.** 49.79 (10) of the statutes is created to read:

12 49.79 (10) ELIGIBILITY AND WORK REQUIREMENTS FOR ABLE-BODIED ADULTS. (a) In
13 this subsection, “able-bodied adult” means an individual who is not any of the
14 following:

- 15 1. Younger than 18 years of age.
- 16 2. 50 years of age or older.
- 17 3. Determined by the department to be medically certified as physically or
18 mentally unfit for employment, as described in 7 CFR 273.24 (c) (2).

1 4. A parent of a household member who is younger than 18 years old, even if
2 the household member who is younger than 18 years old is not eligible for food
3 stamps.

4 5. Residing in a household that includes a household member who is younger
5 than 18 years old, even if the household member who is younger than 18 years old
6 is not eligible for food stamps.

7 6. Exempt from the work requirement under the food stamp program, as
8 described in 7 CFR 273.24 (c) (5).

9 7. Pregnant.

10 (b) The department may implement a policy that complies with 7 CFR 273.24.
11 If the department implements a policy under this paragraph, all of the following
12 apply:

13 1. The department shall require an able-bodied adult who is participating in
14 the food stamp program to fulfill the work requirement defined under 7 CFR 273.24

15 (a) (1)

16 2. If an able-bodied adult does not fulfill the work requirement, the department
17 may limit the able-bodied adult's eligibility for food stamps to no more than 3 months
18 during a 3-year period.

19 3. The department may exempt up to 15 percent of the able-bodied adults who
20 are participating in the food stamp program from the time limit under subd. 2.

21 (d) (c) If the secretary determines that a waiver, or an an amendment to a waiver,
22 is necessary to implement a policy that complies with 7 CFR 273.24, the secretary
23 shall request the waiver or the amendment to the waiver from the federal
24 department of agriculture to permit the secretary to implement a policy that
25 complies with 7 CFR 273.24 as provided under this subsection.

SECTION 9318. Initial applicability; Health Services.

(1) FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM CONTRACTS. The treatment of section 49.79 (9) (a) 1. of the statutes first applies to a contract to administer the food stamp employment and training program under section 49.79 (9) of the statutes after June 30, 2014.

SECTION 9418. Effective date; Health Services.

(1) INCOME MAINTENANCE PROGRAM DEFINITION. The treatment of section 49.78 (1) (b) of the statutes takes effect on July 1, 2014.

(END)

change
component

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
FFK:.....

INS 4-15

~~No #~~ An able-bodied adult may fulfill the work requirement described in this subdivision[✓] by participating in a work program administered by the department of children and families for an amount of time that meets the time requirements under[✓] 7 CFR 273.24 (a) (1).

END INS 4-15

INS 4-20

(c) The department[✓] may promulgate rules identifying programs administered by the department of children and families under which an able-bodied adult may fulfill the work requirement under par. (b) 1.[✓]

END INS 4-20

08413

Knepp, Fern

From: Iwata, Yuko - DOA <Yuko.Iwata@wisconsin.gov>
Sent: Tuesday, January 29, 2013 4:06 PM
To: Knepp, Fern
Subject: FW: Revised ABAWD Option

Hello,

I just realized that the email from DHS (see below) regarding drafting on ABAWD (FoodShare) was not forwarded to you. Please incorporate those comments in your draft, and I apologize for the delay.

Thank you,

Yuko Iwata
Executive Policy and Budget Analyst
Division of Executive Budget and Finance Department of Administration
(608) 267 - 7980

-----Original Message-----

From: Schneck, Carrie E - DHS
Sent: Wednesday, January 16, 2013 3:30 PM
To: Gauger, Michelle C - DOA; Forsaith, Andrew C - DHS; Iwata, Yuko - DOA
Cc: Megna, Richard H - DHS; Rosenthal, Margaret - DHS; Smith, Shawn - DHS; Fox, Sabrina - DHS; Davis, Brett H - DHS
Subject: RE: Revised ABAWD Option

Hi Michelle,

A few thoughts on the ABAWD language:

- 1) Broaden language to allow the Department to contract with a variety of FSET providers. Do not specifically exclude IM consortia (Page 1, lines 4 & 5; Page 2, Lines 4-6). In response to the 2nd drafters note on Page 3, I believe we want the language to be very broad regarding who we could contract with, because we plan to put this out to RFP. I think the agency list will be defined in the RFP process - unqualified agencies will be filtered out. If that does not provide enough clarity for the drafter, let us know and we can discuss a more precise definition of "other agency".
- 2) In the initial draft, we asked for the Department to continue to be able to contract with existing IM providers throughout the phase in. We do not need that language any longer. ✓
- 3) Federal regs require that FoodShare workers determine FSET eligibility and make referrals to FSET. FoodShare funding is used for this IM expense. ← ? language
- 4) (Page 4, Lines 21 - 24) Although support from the Secretary is required prior to requesting waiver approval from FNS, historically (for the purpose of efficiency) the FoodShare Director has been responsible for signing off on waiver requests. Should this be reflected?

Carrie Schneck
266-5362

-----Original Message-----

From: Gauger, Michelle C - DOA

(4Xnn)

No this
can be done
by anyone
under the
Secretary

Sent: Wednesday, January 16, 2013 12:01 PM
To: Forsaith, Andrew C - DHS; Iwata, Yuko - DOA
Cc: Schneck, Carrie E - DHS; Megna, Richard H - DHS
Subject: RE: Revised ABAWD Option

Are any additional statutory language changes needed based on the new roll-out assumption?

-----Original Message-----

From: Forsaith, Andrew C - DHS
Sent: Wednesday, January 16, 2013 11:28 AM
To: Gauger, Michelle C - DOA; Iwata, Yuko - DOA
Cc: Schneck, Carrie E - DHS; Megna, Richard H - DHS
Subject: Revised ABAWD Option

Here is the revised ABAWD option. It starts with Racine, Kenosha, Walworth in July 2014, the next three largest WDAs (excluding Milwaukee) in October 2014, and then statewide in January 2015. Shawn and Brett conclude this phase in schedule offers the best chance at success. It would be too tough a challenge to begin the phase in with Milwaukee. We also adjusted the numbers to have two of the state staff begin in October 2013 so they can start work on systems changes, procurement, and policy right away. The GPR cost is approximately \$16.8 million for the biennium. Please contact Carrie with any questions.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0843(P2)

FFK:kjf:ph

In 1-30-2013

9/P3
RMN

DOA:.....Iwata, BB0310 – Work requirements for FoodShare

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

Don't Gen

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Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS administers the federal Supplemental Nutrition Assistance Program (SNAP), formerly known as the food stamp program and currently known in Wisconsin as FoodShare, under which eligible households receive benefits to purchase food at retail food stores. Under current law, DHS may require a recipient of SNAP benefits who is able and who is 18 to 60 years of age to participate in the FoodShare employment and training program (FSET) to be eligible for SNAP benefits, with exceptions for an individual who is participating in a Wisconsin Works employment position, an individual who is the caretaker of a child under the age of 12 weeks, and an individual who is enrolled at least half time in school or in a training program or an institution of higher education. Currently, DHS may contract with a county, multicounty consortium, or tribal governing body to administer FSET. Under this bill, beginning July 1, 2014, DHS may contract with a local workforce development board, a tribal governing body, or other agency to administer FSET. *also*

This bill also authorizes DHS to implement a federal policy under which DHS may limit the amount of SNAP benefits that an able-bodied adult may receive to three months during a three-year period if the adult does not meet certain work requirements. An able-bodied adult, as defined by the bill, is an individual who is

18 to 49 years old, is fit for employment, is not a parent of a household member who is younger than 18, is not pregnant, and is not otherwise exempt from specific work requirements under federal law. DHS may implement this policy in addition to the current employment and training program.

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4 49.665, the food stamp program under 7 USC 2011 to 2036 except for the employment
5 and training program described in s. 49.79 (9), or the cemetery, funeral, and burial
6 expenses program under s. 49.785.

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9 program for recipients under the food stamp program and may contract with county
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11 local workforce development boards established under 29 USC 2832, tribal
12 governing bodies, or other agencies to carry out the administrative functions. The
13 department may contract, or a county department, multicounty consortium, or A
14 local workforce development board, tribal governing body, or other agency may
15 subcontract, with a Wisconsin Works agency or another provider to administer the
16 employment and training program under this subsection. Except as provided in
17 subds. 2. and 3., the department may require able individuals who are 18 to 60 years

The purpose of removing the FSET program from this department is to eliminate the requirement that a contract with a multicounty consortium require the multicounty consortium to provide the services under 49.78(b) with regard to the FSET program.

1 of age who are not participants in a Wisconsin Works employment position to
2 participate in the employment and training program under this subsection.

***NOTE: Please confirm that these changes are consistent with your intent, specifically the authority of the local workforce development board and tribal governing body to subcontract with other entities.

***NOTE: Your instructions explain that you are intending to prevent multicounty consortia from qualifying as a contractor. Are there specific other agencies that you are intending to capture with the phrase "or other agency"? It may be useful to narrow the phrase "or other agency" because, as drafted, the phrase is ambiguous and could be interpreted to include a multicounty consortia. Additionally, there are many other defined terms in ch. 49 that could be used to define "or other agency," including child support agency, Wisconsin Works agency, relief agency, and local agency. Would this be consistent with your intent?

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14 following:

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- 17 3. Determined by the department to be medically certified as physically or
18 mentally unfit for employment, as described in 7 CFR 273.24 (c) (2).

1 4. A parent of a household member who is younger than 18 years old, even if
2 the household member who is younger than 18 years old is not eligible for food
3 stamps.

4 5. Residing in a household that includes a household member who is younger
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7 6. Exempt from the work requirement under the food stamp program, as
8 described in 7 CFR 273.24 (c) (5).

9 7. Pregnant.

10 (b) The department may implement a policy that complies with 7 CFR 273.24.
11 If the department implements a policy under this paragraph, all of the following
12 apply:

13 1. The department shall require an able-bodied adult who is participating in
14 the food stamp program to fulfill the work requirement defined under 7 CFR 273.24

15 (a) (1). An able-bodied adult may fulfill the work requirement described in this
16 subdivision by participating in a work program administered by the department of
17 children and families for an amount of time that meets the time requirements under
18 7 CFR 273.24 (a) (1).

19 2. If an able-bodied adult does not fulfill the work requirement, the department
20 may limit the able-bodied adult's eligibility for food stamps to no more than 3 months
21 during a 3-year period.

22 3. The department may exempt up to 15 percent of the able-bodied adults who
23 are participating in the food stamp program from the time limit under subd. 2.

(c) The department may promulgate rules identifying programs administered by the department of children and families under which an able-bodied adult may fulfill the work requirement under par. (b) 1.

(d) If the ~~secretary~~ ^{department} determines that a waiver, or an amendment to a waiver, is necessary to implement a policy that complies with 7 CFR 273.24, the ~~secretary~~ ^{department} shall request the waiver or the amendment to the waiver from the federal department of agriculture to permit the ~~secretary~~ ^{department} to implement a policy that complies with 7 CFR 273.24 as provided under this subsection.

SECTION 9318. Initial applicability; Health Services.

(1) FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM CONTRACTS. The treatment of section 49.79 (9) (a) 1. of the statutes first applies to a contract to administer the food stamp employment and training program under section 49.79 (9) of the statutes ~~on~~ ^{after June 30, 2014} ~~the effective date of this subsection~~

SECTION 9418. Effective dates; Health Services.

(1) INCOME MAINTENANCE PROGRAM DEFINITION. The treatment of section 49.78 (1) (b) of the statutes takes effect on July 1, 2014.

(END)

*** NOTE: The requirement placed on the secretary may be accomplished by the secretary's designee, i.e., the Food Stamp Director.

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0843/P3ins
FFK:.....

INS 2-1

✓
SECTION 1. 20.435 (4) (nn) of the statutes is amended to read:

20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the federal government for the costs of contracting for the administration of the Medical Assistance program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665 and the food stamp program, other than moneys received under par. (pa), for costs to administer income maintenance programs, as defined in s. 49.78 (1) (b) and the food stamp employment and training program under s. 49.79 (9).

****NOTE: I added a specific reference to the FSET program in this appropriation to accommodate the fact that this draft removes the FSET program from the definition of "income maintenance program" under s. 49.78 (1)✓(b). I did not find any other appropriations that funded the FSET program by reference to the income maintenance definition. Does this address any concerns you had about using FoodShare funding for the administrative costs of the FSET program?

END INS 2-1

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334; 2011 a. 32, 70, 257; s. 35.17 correction in (4) (gr).

Knepp, Fern

From: Iwata, Yuko - DOA <Yuko.Iwata@wisconsin.gov>
Sent: Wednesday, February 06, 2013 5:03 PM
To: Knepp, Fern
Cc: Gauger, Michelle C - DOA
Subject: FW: ABAWD statutory language

Hi Fern,

Please see DHS' comments on ABAWD draft.

Thanks,

Yuko Iwata
Executive Policy and Budget Analyst
Division of Executive Budget and Finance
Department of Administration
(608) 267 – 7980

From: Schneck, Carrie E - DHS
Sent: Wednesday, February 06, 2013 4:57 PM
To: Iwata, Yuko - DOA
Cc: Malofsky, Shelley F - DHS; Smith, Shawn - DHS; Forsaith, Andrew C - DHS; Fox, Sabrina - DHS; Megna, Richard H - DHS; Rosenthal, Margaret - DHS
Subject: ABAWD statutory language

Hi Yuko,

After talking with Fern and discussing internally, we recommend removing the references to DCF in the ABAWD draft on page 4 lines 18 -21 and page 5 lines 3-5. The federal regulations are fairly broad (7 CFR 273.24 (a)(ii); the regulations allow the FSET agency to determine which employment programs will meet the ABAWD employment and training requirement. DHS can include DCF programs as an allowable employment and training program in the annual FSET program plan submitted to the Federal government. We do not need state statutes nor do we need to promulgate rules to do so.

If you agree with this change, can you please communicate it to Fern?

Please let me know if you need anything further from me.

Carrie Schneck
Budget & Policy Analyst
State of Wisconsin
Department of Health Services
PO Box 7850
Madison, WI 53707-7850
608-266-5362

Please note: I am in the office Tuesday through Friday.

Knepp, Fern

From: Iwata, Yuko - DOA <Yuko.Iwata@wisconsin.gov>
Sent: Wednesday, February 06, 2013 8:26 AM
To: Knepp, Fern; Dodge, Tamara; Kahler, Pam
Subject: FW: ABAWD statutory language draft #3

Importance: High

Hello,

See DHS' comments below on your ABAWDS draft. If you have any questions, please let me know.

Thanks,

Yuko Iwata
Executive Policy and Budget Analyst
Division of Executive Budget and Finance
Department of Administration
(608) 267 - 7980

From: Schneck, Carrie E - DHS
Sent: Tuesday, February 05, 2013 5:15 PM
To: Iwata, Yuko - DOA
Cc: Forsaith, Andrew C - DHS; Fox, Sabrina - DHS; Rosenthal, Margaret - DHS; Smith, Shawn - DHS
Subject: ABAWD statutory language draft #3
Importance: High

Thank you the opportunity to review the statutory language for ABAWDS. I apologize that I am getting this to you later than expected; a few items required discussion today.

Here are the Department's comments on the current draft:

- 1) We agree with the drafter's earlier comments that agency may not be the right term to use when noting who we can contract with in 49.79 (9)(a)(1). We want the language to be broad, but agency generally refers to a department of a governmental unit. Could we use the term organization or entity?
- 2) I think the drafter is trying to reference workfare programs run by DCF when they are discussing DCF on page 4 line 19 and page 5 line 4. The federal ABAWD regulations at 7 CFR 273.24 (a)(1) state the work requirement can be met by meeting workfare requirements. However, our FSET policy analyst indicated TANF workfare programs and FSET workfare programs are two different things with differing requirements. Therefore, we suggest removing the DCF references and instead refer to a DHS workfare program.
- 3) The description's reference to mandatory FSET for individuals with a child more than 12 weeks old is in line with current Wisconsin statutes at 49.79 (a) (2). However, it is not congruent with current federal regulations at 7 CFR 273 (b)(1)(iv), which state an individual is exempt until their dependent child is age 6. Can we take this opportunity to update the statutes to match federal regulations?

Carrie Schneck
Budget & Policy Analyst
State of Wisconsin

Department of Health Services
PO Box 7850
Madison, WI 53707-7850
608-266-5362

Please note: I am in the office Tuesday through Friday.

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0843/lins

FFK:.....

✓

SECTION 1. 49.79 (9) (a) 2. of the statutes is amended to read:

+ 49.79 (9) (a) 2. The department may not require an individual who is a recipient
under the food stamp program and who is the caretaker of a child under the age of
~~12 weeks~~ 6 to participate in any employment and training program under this
subsection.

no strike

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669; 2011 a. 32.



State of Wisconsin
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In 2-7-2013



LRB-0843/P3

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not
This bill expands the exception for an individual who is the caretaker of a child under the age of 12 weeks to a caretaker of a child under the age of 6 to comply with federal law.

is younger than 18, is not pregnant, and is not otherwise exempt from specific work requirements under federal law. DHS may implement this policy in addition to the current employment and training program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.435 (4) (nn) of the statutes is amended to read:

2 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
3 federal government for the costs of contracting for the administration of the Medical
4 Assistance program under subch. IV of ch. 49 and the Badger Care health care
5 program under s. 49.665 and the food stamp program, other than moneys received
6 under par. (pa), for costs to administer income maintenance programs, as defined in
7 s. 49.78 (1) (b) and the food stamp employment and training program under s. 49.79
8 (9).

****NOTE: I added a specific reference to the FSET program in this appropriation to accommodate the fact that this draft removes the FSET program from the definition of "income maintenance program" under s. 49.78 (1) (b). I did not find any other appropriations that funded the FSET program by reference to the income maintenance definition. Does this address any concerns you had about using FoodShare funding for the administrative costs of the FSET program?

9 **SECTION 2.** 49.78 (1) (b) of the statutes is amended to read:

10 49.78 (1) (b) "Income maintenance program" means the Medical Assistance
11 program under subch. IV of ch. 49, the Badger Care health care program under s.
12 49.665, the food stamp program under 7 USC 2011 to 2036 except for the employment
13 and training program described in s. 49.79 (9), or the cemetery, funeral, and burial
14 expenses program under s. 49.785.

****NOTE: The purpose of removing the FSET program from this definition is to eliminate the requirement that a contract with a multicounty consortia require the multicounty consortia to provide the services under s. 49.78 (1) (b) with regard to the FSET program. Is this definition change consistent with your intent?

15 **SECTION 3.** 49.79 (9) (a) 1. of the statutes is amended to read:

1 49.79 (9) (a) 1. The department shall administer an employment and training
2 program for recipients under the food stamp program and may contract with county
3 departments under ss. 46.215, 46.22, and 46.23, multicounty consortia, and with
4 local workforce development boards established under 29 USC 2832, tribal
5 governing bodies, or other ^g organizations to carry out the administrative functions. The
6 ~~department may contract, or a~~ A county department, multicounty consortium, or
7 local workforce development board, tribal governing body, or other ^e agency ⁿ may
8 subcontract, with a Wisconsin Works agency or another provider to administer the
9 employment and training program under this subsection. Except as provided in
10 subds. 2. and 3., the department may require able individuals who are 18 to 60 years
11 of age who are not participants in a Wisconsin Works employment position to
12 participate in the employment and training program under this subsection.

13 **SECTION 4.** 49.79 (9) (b) (intro.) of the statutes is amended to read:

14 49.79 (9) (b) (intro.) ~~An~~ Except as provided in par. (c), an individual who fails
15 to comply with the work requirements under par. (a) without good cause is ineligible
16 to participate in the food stamp program as follows:

17 **SECTION 5.** 49.79 (9) (c) of the statutes is created to read:

18 49.79 (9) (c) If the department implements a policy under sub. (10), par. (b) does
19 not apply to an individual who is required to fulfill the work requirement under sub.
20 (10) (b).

21 **SECTION 6.** 49.79 (10) of the statutes is created to read:

22 49.79 (10) **ELIGIBILITY AND WORK REQUIREMENTS FOR ABLE-BODIED ADULTS.** (a) In
23 this subsection, "able-bodied adult" means an individual who is not any of the
24 following:

25 1. Younger than 18 years of age.

Ins
3-12

1 2. 50 years of age or older.

2 3. Determined by the department to be medically certified as physically or
3 mentally unfit for employment, as described in 7 CFR 273.24 (c) (2).

4 4. A parent of a household member who is younger than 18 years old, even if
5 the household member who is younger than 18 years old is not eligible for food
6 stamps.

7 5. Residing in a household that includes a household member who is younger
8 than 18 years old, even if the household member who is younger than 18 years old
9 is not eligible for food stamps.

10 6. Exempt from the work requirement under the food stamp program, as
11 described in 7 CFR 273.24 (c) (5).

12 7. Pregnant.

13 (b) The department may implement a policy that complies with 7 CFR 273.24.
14 If the department implements a policy under this paragraph, all of the following
15 apply:

16 1. The department shall require an able-bodied adult who is participating in
17 the food stamp program to fulfill the work requirement defined under 7 CFR 273.24

18 (a) (1). An able-bodied adult may fulfill the work requirement described in this
19 subdivision by participating in a work program administered by the department of
20 children and families for an amount of time that meets the time requirements under
21 7 CFR 273.24 (a) (1).

22 2. If an able-bodied adult does not fulfill the work requirement, the department
23 may limit the able-bodied adult's eligibility for food stamps to no more than 3 months
24 during a 3-year period.

3. The department may exempt up to 15 percent of the able-bodied adults who are participating in the food stamp program from the time limit under subd. 2.

(c) The department may promulgate rules identifying programs administered by the department of children and families under which an able-bodied adult may fulfill the work requirement under par. (b) 1.

(c) (d) If the department determines that a waiver, or an an amendment to a waiver, is necessary to implement a policy that complies with 7 CFR 273.24, the department shall request the waiver or the amendment to the waiver from the federal department of agriculture to permit the department to implement a policy that complies with 7 CFR 273.24 as provided under this subsection.

SECTION 9318. Initial applicability; Health Services.

(1) **FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM CONTRACTS.** The treatment of section 49.79 (9) (a) 1. of the statutes first applies to a contract to administer the food stamp employment and training program under section 49.79 (9) of the statutes on the effective date of this subsection.

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0843/1

FFK:kjf:jf

DOA:.....Iwata, BB0310 – Work requirements for FoodShare

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS administers the federal Supplemental Nutrition Assistance Program (SNAP), formerly known as the food stamp program and currently known in Wisconsin as FoodShare, under which eligible households receive benefits to purchase food at retail food stores. Under current law, DHS may require a recipient of SNAP benefits who is able and who is 18 to 60 years of age to participate in the FoodShare employment and training program (FSET) to be eligible for SNAP benefits, with exceptions for an individual who is participating in a Wisconsin Works employment position, an individual who is the caretaker of a child under the age of 12 weeks, and an individual who is enrolled at least half time in school or in a training program or an institution of higher education. This bill expands the exception for an individual who is the caretaker of a child under the age of 12 weeks to a caretaker of a child under the age of six to comply with federal law. Currently, DHS may contract with a county, multicounty consortium, or tribal governing body to administer FSET. Under this bill, DHS may also contract with a local workforce development board or another organization to administer FSET.

This bill also authorizes DHS to implement a federal policy under which DHS may limit the amount of SNAP benefits that an able-bodied adult may receive to three months during a three-year period if the adult does not meet certain work

requirements. An able-bodied adult, as defined by the bill, is an individual who is 18 to 49 years old, is fit for employment, is not a parent of a household member who is younger than 18, is not pregnant, and is not otherwise exempt from specific work requirements under federal law. DHS may implement this policy in addition to the current employment and training program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.435 (4) (nn) of the statutes is amended to read:

2 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
3 federal government for the costs of contracting for the administration of the Medical
4 Assistance program under subch. IV of ch. 49 and the Badger Care health care
5 program under s. 49.665 and the food stamp program, other than moneys received
6 under par. (pa), for costs to administer income maintenance programs, as defined in
7 s. 49.78 (1) (b) and the food stamp employment and training program under s. 49.79
8 (9).

9 **SECTION 2.** 49.78 (1) (b) of the statutes is amended to read:

10 49.78 (1) (b) "Income maintenance program" means the Medical Assistance
11 program under subch. IV of ch. 49, the Badger Care health care program under s.
12 49.665, the food stamp program under 7 USC 2011 to 2036 except for the employment
13 and training program described in s. 49.79 (9), or the cemetery, funeral, and burial
14 expenses program under s. 49.785.

15 **SECTION 3.** 49.79 (9) (a) 1. of the statutes is amended to read:

16 49.79 (9) (a) 1. The department shall administer an employment and training
17 program for recipients under the food stamp program and may contract with county
18 departments under ss. 46.215, 46.22, and 46.23, multicounty consortia, and with
19 local workforce development boards established under 29 USC 2832, tribal

1 governing bodies, or other organizations to carry out the administrative functions.
2 ~~The department may contract, or a~~ A county department, multicounty consortium,
3 ~~or local workforce development board,~~ tribal governing body, or other organization
4 may subcontract, with a Wisconsin Works agency or another provider to administer
5 the employment and training program under this subsection. Except as provided in
6 subds. 2. and 3., the department may require able individuals who are 18 to 60 years
7 of age who are not participants in a Wisconsin Works employment position to
8 participate in the employment and training program under this subsection.

9 **SECTION 4.** 49.79 (9) (a) 2. of the statutes is amended to read:

10 49.79 (9) (a) 2. The department may not require an individual who is a recipient
11 under the food stamp program and who is the caretaker of a child under the age of
12 ~~12 weeks~~ 6 to participate in any employment and training program under this
13 subsection.

14 **SECTION 5.** 49.79 (9) (b) (intro.) of the statutes is amended to read:

15 49.79 (9) (b) (intro.) ~~An~~ Except as provided in par. (c), an individual who fails
16 to comply with the work requirements under par. (a) without good cause is ineligible
17 to participate in the food stamp program as follows:

18 **SECTION 6.** 49.79 (9) (c) of the statutes is created to read:

19 49.79 (9) (c) If the department implements a policy under sub. (10), par. (b) does
20 not apply to an individual who is required to fulfill the work requirement under sub.
21 (10) (b).

22 **SECTION 7.** 49.79 (10) of the statutes is created to read:

23 49.79 (10) ELIGIBILITY AND WORK REQUIREMENTS FOR ABLE-BODIED ADULTS. (a) In
24 this subsection, "able-bodied adult" means an individual who is not any of the
25 following:

1 1. Younger than 18 years of age.

2 2. Fifty years of age or older.

3 3. Determined by the department to be medically certified as physically or
4 mentally unfit for employment, as described in 7 CFR 273.24 (c) (2).

5 4. A parent of a household member who is younger than 18 years old, even if
6 the household member who is younger than 18 years old is not eligible for food
7 stamps.

8 5. Residing in a household that includes a household member who is younger
9 than 18 years old, even if the household member who is younger than 18 years old
10 is not eligible for food stamps.

11 6. Exempt from the work requirement under the food stamp program, as
12 described in 7 CFR 273.24 (c) (5).

13 7. Pregnant.

14 (b) The department may implement a policy that complies with 7 CFR 273.24.
15 If the department implements a policy under this paragraph, all of the following
16 apply:

17 1. The department shall require an able-bodied adult who is participating in
18 the food stamp program to fulfill the work requirement defined under 7 CFR 273.24
19 (a) (1).

20 2. If an able-bodied adult does not fulfill the work requirement, the department
21 may limit the able-bodied adult's eligibility for food stamps to no more than 3 months
22 during a 3-year period.

23 3. The department may exempt up to 15 percent of the able-bodied adults who
24 are participating in the food stamp program from the time limit under subd. 2.

(c) If the department determines that a waiver, or an amendment to a waiver, is necessary to implement a policy that complies with 7 CFR 273.24, the department shall request the waiver or the amendment to the waiver from the federal department of agriculture to permit the department to implement a policy that complies with 7 CFR 273.24 as provided under this subsection.

SECTION 9318. Initial applicability; Health Services.

(1) FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM CONTRACTS. The treatment of section 49.79 (9) (a) 1. of the statutes first applies to a contract to administer the food stamp employment and training program under section 49.79 (9) of the statutes on the effective date of this subsection.

(END)